REMARKS

Claims 1 and 3-20 and new claim 21 are pending in the application.

In the Office Action, the Examiner allowed claim 20. Applicants appreciate the notification of allowance of the claim by the Examiner.

The Examiner objected to the drawings because of certain informalities. In particular, the Examiner stated that the application did not include Figure 3 and that there is no piston 21 illustrated in the drawings. The specification has been amended to improve form, and the objections to the drawings should be obviated.

Applicants acknowledge the Examiner's amendment to delete the period after "decreased" at page 10, line 16 of the specification.

In the Office Action, the Examiner rejected claims 4 and 11 under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, the Examiner stated that these claims are not accurate to the invention as disclosed because a pressure relief valve in fluid communication with the first and second lines and releasing to a fluid tank is not shown in Figures 1-2. Applicants respectfully disagree with the rejection. As illustrated in Fig. 2 and described at Paragraphs [48]-[50] in the specification, a pressure relief valve 86 is in fluid communication with the first and second fluid lines (62, 64) and configured to release fluid to a tank (42). Therefore, claims 4 and 11 comply with the requirements under 35 U.S.C. § 112, second paragraph, and the rejection of claims 4 and 11 should be withdrawn.

In the Office Action, the Examiner rejected claims 1, 4, and 5 under 35 U.S.C. § 102(b) as being anticipated by German Published Patent 4100236. The Examiner also rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over the German reference in view of U.S. Patent No. 5,149,131 to *Sugasawa et al.* The Examiner

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objected to, among other claims, claim 2 as being dependent upon a rejected claim, but stated that the claim should be allowable if rewritten in independent form. While Applicants traverse the rejections of claims under 35 U.S.C. §§ 102(b) and 103(a), in the interest of advancing the prosecution of this case further, Applicants incorporate the subject matter of claim 2 into claim 1. Thus, the rejections of claims 1, 3, 5, and 6 should be withdrawn, and claim 1 and its dependent claims 3-6 should be allowable.

The Examiner, moreover, rejected claims 7, 11, 12, and 15 under 35 U.S.C. § 103(a) as being unpatentable over the German reference in view of U.S. Patent No. 6,131,918 to *Chino.* This rejection is also respectfully traversed.

Claim 7 recites a work machine including, for example, an axle connected to the chassis and configured to pivot about a pivot point, and a restricted fluid passageway connecting the first fluid line and the second fluid line to damp pivot movement of the axle about the pivot point. Claim 15 recites a method of damping an axle including, for instance, allowing a restricted flow of fluid between the first and second fluid lines to damp pivot movement of the axle about a pivot point. These machine and method are not taught or suggested by the cited references.

The German reference discloses a wheeled vehicle with shock absorbers. As shown in Fig. 1 of the reference, the vehicle has fluid lines 23 and 28, a hydraulic circuit with a change-over valve 13, a pressure-limiting valve 19, and a magnetic valve 20.

In the Office Action, the Examiner correctly stated that the German reference does not teach an axle with a pivot point. The Examiner, however, relies on the alleged teaching of "an axle with a pivot pin" in *Chino* in rejecting claims 7, 15, and the others. *Chino* discloses an axle tilt control apparatus including an axle extending between a

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body frame 1. The axle is connected to the body frame 1 by a center pin 3 to pivot about the pin. While the Examiner relied on *Chino* for the alleged teaching of an axle that pivots about a center pin, the Examiner relies on the German reference for the other elements in claims 7 and 15. The German reference, however, does not teach or suggest the subject matter of claims 7 and 15.

The wheeled vehicle of the German reference or *Chino* does not teach or suggest a work machine having a restricted fluid passageway connecting a first fluid line and a second fluid line to damp pivot movement of an axle about a pivot point. While the German reference discloses constrictions 27, the fluid from the lower chamber 22 cannot flow from the fluid line 26 to the fluid line 28 through the constriction 27 because of the change-over valve 13. The constriction 27 of the German reference is not configured to damp movement including pivot movement of an axle about a pivot point. Furthermore, the wheeled vehicle of the German reference may reduce the effect of a shock to wheels, but it does not reduce or damp pivot movement or lateral rocking of the vehicle.

Therefore, the rejection of claims 7 and 15 under 35 U.S.C. § 103(a) should be withdrawn and claims 7 and 15 should be allowed.

Claims 11 and 12 depend from claim 7 and those claims should also be allowed at least by reason of their dependency from claim 7.

In the Office Action, the Examiner rejected claims 13 and 16 under 35 U.S.C. § 103(a) as being unpatentable over the German reference in view of *Chino* and further in view of *Sugasawa et al.* *Sugasawa et al.* discloses a hydraulic damping device for vehicles. In the Office Action, the Examiner relies on *Sugasawa et al.* for its alleged

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teaching of an "orifice adjustable by a control mechanism." *Sugasawa et al.* , however, fails to teach or suggest a work machine including a restricted fluid passageway connecting the first fluid line and the second fluid line to damp pivot movement of the axle about the pivot point as required by claim 16 or a method of damping an axle including allowing a restricted flow of fluid between the first and second fluid lines to damp pivot movement of the axle about a pivot point as required by claim 13. *Sugasawa et al.*, as stated in the specification at pages 2-3 of this application, does not reduce or prevent lateral rocking of the vehicle, and fails to teach or suggest the machine or method of claim 13 or 16.

Also as explained above, *Chino* cannot remedy the deficiency of the German reference and *Sugasawa et al.*

Therefore, the rejection of claims 13 and 16 under 35 U.S.C. § 103(a) should be withdrawn and the claims should be allowed.

In the Office Action, the Examiner objected to claims 2, 3, 8-10, 14, and 17-19 as being dependent upon a rejected base claim, but stated that the claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 8-10, 14, and 17-19 have not been rewritten in independent form. For the reasons stated above, however, those claims should be allowable over the cited references.

In this response, Applicants add new claim 21. Claim 21 recites a damping system including, among other elements, a restricted fluid passageway connecting a first fluid line and a second fluid line, the restricted fluid passage way having an orifice restricting the rate of fluid flow therethrough and a control mechanism operable to adjust

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the size of the orifice upon operating conditions. For the aforementioned reasons, none of the cited references teaches or suggests the subject matter recited in claim 21. Thus, new claim 21 should be allowable over the cited references.

Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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